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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,466

12/26/2000

Deguang Zhu

3400

27676

7590

10/28/2002

DEGUANG ZHU
718 WEST 171ST STREET, APT. 33
NEW YORK, NY 10032

EXAMINER

LAMM, MARINA

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 10/28/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/748,466

Applicant(s)

ZHU ET AL.

Examiner

Marina Lamm

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-- The MAILING DATE f this communication appears on the c ver sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the amendment filed 8/5/02. Claims pending are 1, 2, 4-6 and 8. Claims 3 and 7 have been cancelled.

Double Patenting

1. The provisional rejection of Claims 1, 2 and 4-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33-42 of copending Application No. 09/373,033 is moot because the copending application has been abandoned.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by either Lindenbaum (US 5,461,030) or Hinson (US 5,145,679).

Lindenbaum teaches topical wound healing compositions containing insulin. See Abstract; col. 4, line 18.

Hinson teaches topical emollient for prevention and treatment of circulatory induces lesions comprising insulin. See Abstract; col. 1, lines 13-30, 49-67; col. 2, lines 1-14; Examples; Claims.

Thus, either Lindenbaum or Hinson teach each and every limitation of Claims 1, 2, 5 and 6.

4. Claims 4 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Rakitskaya et al. (RU 2078561, Abstract) or under 35 U.S.C. 102(e) as being anticipated by Goudzenko et

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al. (US 5,817,621) or under 35 U.S.C. 102(b) as being anticipated by Goudzenko et al. (WO 96/05797).

Please note that US Patent 5,817,621 is a US counterpart of WO 96/05797.

Rakitskaya et al. teach anti-aging face cream compositions containing pancreatin. See Abstract.

Goudzenko et al. teach anti-aging dermatological compositions containing pancreatin. See US 5,817,621 at Abstract; col. 4, lines 8-17; col. 5, lines 40-60; Examples; col. 8, lines 61-67; col. 10, lines 9-18 and WO 96/05797 at Abstract; p. 7, lines 26-32; Examples; pp. 14, 16.

Thus, either Rakitskaya et al. or Goudzenko et al. teach each and every limitation of Claims 4 and 8.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 4-6 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lamm whose telephone number is (703) 306-4541. The examiner can normally be reached on Monday to Friday from 9 to 5.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

ml
10/22/02


MICHAEL G. HARTLEY
PRIMARY EXAMINER